

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
BOSTON, MASSACHUSETTS**

SHIVA AYYADURAI, an individual,)	
)	
Plaintiff,)	
)	
v.)	
)	
GAWKER MEDIA, LLC, a Delaware)	CASE NO. 16-cv-10853 (NMG)
limited liability company; SAM BIDDLE, an)	
individual, JOHN COOK, an individual,)	
NICHOLAS GUIDO ANTHONY DENTON,)	
an individual, and DOES 1-20,)	
)	
)	
Defendants.)	
)	

MOTION FOR ENTRY OF DEFAULT JUDGMENT

Pursuant to Fed. R. Civ. P. 55(a), Plaintiff Dr. Shiva Ayyadurai, by and through his undersigned attorneys, now moves for entry of default judgment against Defendants Sam Biddle and John Cook (“Defendants”). As stated below, and in the memorandum of law and exhibit accompanying this Motion, an entry of default is warranted because the Defendants have failed to plead or otherwise defend in this civil action.

On May 9, 2016, Dr. Ayyadurai filed a Complaint with this Court, asserting claims of libel, intentional interference with economic advantage, intentional infliction of emotional distress against Biddle and Cook, among others, and negligent hiring against Cook and another. [Dkt. 1]

On or about June 13, 2016, Defendants Biddle and Cook were served at their place of business at Gawker Media LLC, 114 Fifth Avenue, 2d Floor, New York, NY 10011. [Dkt. 9]

On June 30, 2016, Defendants Biddle and Cook requested an extension of time to respond to the complaint. [Dkt. 5] With the agreement of Plaintiff Dr. Ayyadurai, and a bankruptcy action underway in the Southern District of New York, 16-11700(SMB), Defendants Biddle and Cook requested an extension “until a motion requesting that the automatic stay be extended to the individual defendants in this and other actions (or otherwise that injunctive relief be issued) pending against Gawker in which former or current Gawker employees have been named as co-defendants.” [Dkt. 5 at 2]¹

On the same day, Defendant Gawker Media, LLC filed a Suggestion of Bankruptcy with this Court. [Dkt. 5] Defendant Nicholas Denton followed suit with a Suggestion of Bankruptcy of his own on August 2, 2016. [Dkt. 6]

On August 3, 2016, the Bankruptcy Court granted a preliminary injunction through September 3, 2016 with respect to the above-captioned action, extending the automatic stay under section 362 of the Bankruptcy Code to, among other actions, this proceeding. (Mem. Ex A, Bankruptcy Order)

In accord with the Defendants’ requested extension, the Defendants should have replied no later than August 17, 2016. 5. As of the time of the filing of this Plaintiff’s Motion, five days after that deadline has passed, the Defendants have failed to file an Answer or assert any basis that would obviate the need to file an Answer. Nor have they even entered a Notice of Appearance. Therefore, the Defendants stand in default.

Accordingly, Plaintiff Ayyadurai respectfully requests and so moves that the Court to

¹ As the Defendants’ Motion was never granted and the Defendants never responded, the Defendants have technically been in default since July 5, 2016. However, this Motion is made based on the Defendants’ failure to respond per their Motion.

direct the Clerk to enter a default against Defendants Biddle and Cook pursuant to Fed. R. of Civ. P. 55(a), and grant Dr. Ayyadurai such further relief as the Court deems just and proper.

August 22, 2016

Boston, Mass.

Respectfully submitted,

/s/ Timothy Cornell

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CERTIFICATE OF SERVICE

I hereby certify that the above document is to be filed through the ECF system and will be sent electronically to Rachel Strom, identified in the Motion for Extension [Dkt. 5] as Counsel for the Defendants.

/s/ Timothy Cornell